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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 OAKLAND DIVISION

10 UNITED STATES OF AMERICA,)	No. CR-10-00292-CW
)	
11 Plaintiff,)	
)	STIPULATED REQUEST TO CONTINUE
12 v.)	HEARING DATE TO JANUARY 26, 2011
)	AND TO EXCLUDE TIME UNDER THE
13 RAMON POWELL,)	SPEEDY TRIAL ACT AND ORDER
)	
14 Defendant.)	Hearing Date: December 16, 2010
)	Time: 9:30 a.m.
15)	
16)	

17 The above-captioned matter is set on December 16, 2010 before this Court for a status
18 hearing. The parties jointly request that the Court continue the matter to January 26, 2011 at
19 10:00 a.m., and that the Court exclude time under the Speedy Trial Act, 18 U.S.C. §§
20 3161(h)(7)(A) and (B)(iv), between December 16, 2010 and January 26, 2011. At the next
21 appearance, the parties plan to set this matter over for a change of plea or a trial.

22 On April 15, 2010, the Grand Jury charged Mr. Powell with possession with the intent to
23 distribute methamphetamine in violation of 21 U.S.C. § 841(a)(1). If convicted, Mr. Powell
24 faces a statutory maximum of 40 years and a mandatory minimum sentence of five years.

25 The current status of the case is that the parties are negotiating this matter and anticipate
26 that there will be a negotiated disposition of the case. In the meantime, the government has

1 produced discovery to the defense and defense counsel needs additional time to review and
2 process the discovery provided. For example, the government has made available several
3 videotapes that the defense believes are related to this case and that the defense needs additional
4 time to review. The defense also requires additional time to complete its investigation of the
5 circumstances of the offense and to assess and confirm Mr. Powell's Guidelines range.

6 The requested continuance will allow the defense to complete its review of the discovery,
7 to investigate the underlying facts of the case, and to research and to confirm Mr. Powell's
8 Guidelines range. For this reason, the parties agree that the failure to grant this continuance
9 would unreasonably deny counsel for defendant the reasonable time necessary for effective
10 preparation, taking into account the exercise of due diligence.

11 The parties further stipulate and agree that the ends of justice served by this continuance
12 outweigh the best interest of the public and the defendant in a speedy trial. Accordingly, the
13 parties agree that the period of time from December 16, 2010 to January 26, 2011, should be
14 excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A)
15 and (B)(iv), for effective preparation of defense counsel, taking into account the exercise of due
16 diligence.

17
18 DATED: December 9, 2010

19 /S/
WADE RHYNE
Assistant United States Attorney

20
21 DATED: December 9, 2010

22 /S/
ANGELA M. HANSEN
Assistant Federal Public Defender

ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby
FINDS:

1. Given defense counsel's need to complete its review the discovery including videotapes that the defense believes are related to this case;

2. Given that the defense needs additional time to continue to investigate the underlying facts of the case and to research defendant's sentencing Guidelines range;

3. Given that these above-listed tasks are necessary to the defense preparation of the case and that the failure to grant the requested continuance would unreasonably deny counsel for defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence;

4. Given that at the next appearance the parties plan to set this matter over for a change of plea or a trial.

5. Given that the ends of justice served by this continuance outweigh the best interest of the public and the defendant in a speedy trial;

Based on these findings, it is ordered that the status hearing date of December 16, 2010, scheduled at 10:00 a.m., is vacated and reset for January 26, 2011, at 10:00 a.m., before the sitting United States Magistrate Judge. It is further ordered that time is excluded pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), from December 16, 2010 to January 26, 2011.

December 10, 2010



DONNA M. RYU
United States Magistrate Judge